

care or use of any animal including, but not limited to, those contained in chapter 5 of this Code;

- (2) The permittee is in violation of any state health or safety or safety law or regulation regarding animal care or control;
- (3) The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee imposed under this Code;
- (4) The permittee refused to allow inspection, upon forty-eight (48) hours' written notice, of any animal covered by the permit or the premises on which the animal is kept; or
- (5) The permittee has transferred, sold or otherwise disposed of the animal for which the permit was issued.

(b) If, after inspection, the animal control officer concludes that it is probable that one (1) or more of the above grounds for revocation has occurred, it shall cause written notice thereof to be transmitted by mail to the address of the permittee. Said notice shall specify the grounds of possible revocation of permit and shall specify a date and time for an informal hearing to be held before an animal control officer. Said date shall be not less than five (5) days subsequent to the date the notice is mailed. After the informal hearing, the animal control officer may modify the terms of the permit or revoke the permit.

(c) The permittee may appeal the decision of the animal control officer to the county environmental health officer if the permittee gives written notice of such appeal within five (5) working days of the decision.

(Ord. No. 888, § 7, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.9. Penalty for violation.

Except as otherwise provided by this chapter, any violation of the provisions of this chapter shall be punishable as an infraction, the penalty of which shall be as follows:

- (1) A fine not to exceed one hundred dollars (\$100.00) for a first violation.

- (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1) year.

- (3) A fine not to exceed five hundred dollars (\$500.00) for each additional violation within the same year.

(Ord. No. 888, § 7, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.10. Responsibility for enforcement.

The animal control program shall be responsible for the enforcement and administration of this chapter.

(Ord. No. 954, § 1, 9-26-00)

Secs. 5-27.11—5-27.14. Reserved.

ARTICLE IB. ANIMAL FANCIERS' PERMITS

Sec. 5-27.15. Animal fancier permit program.

(a) The division of animal control shall administer an animal fancier permit program as described by this chapter to allow the keeping of dogs and/or cats up to a total of ten (10) animals.

(b) Up to a total of ten (10) animals (dogs and/or cats) may be kept at any one (1) premises provided that a fancier's permit issued by the animal control program manager in accordance with this chapter in first obtained by the person keeping such animals.

(Ord. No. 888, § 8, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.16. Application for animal fancier permit.

Any application for an animal fancier permit shall be made to the division of animal control on a form provided by the division. The application shall include the name of the applicant, his or her residence address and telephone number, the address of the proposed location where the animals are to be kept if different from applicant's address, and a description of the housing facilities for the keeping of the animals. The application shall also state the number of dogs and/or cats to be kept and include the current license numbers

issued under section 5-4 of this Code for each animal to be kept. The animal control program manager may require the applicant to provide any other information he/she deems necessary to properly evaluate the application.

(Ord. No. 888, § 8, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.17. Issuance of permit and field return fee.

(a) An application for fancier's permit shall include a statement from the applicant that:

- (1) Keeping of the animals at the proposed location will not violate any federal, state or local law.
- (2) Appropriate facilities of sufficient size exist at the proposed location to safely and adequately secure, feed, house, exercise and maintain the animals.
- (3) The proposed location consists of a lot or lots of sufficient size to safely and adequately house, maintain and exercise the animals without disturbance to adjacent property owners or the public.
- (4) Possession and maintenance of the animals at the proposed location will not result in the animals being subject to neglect, cruelty, or abuse.
- (5) The applicant has neither had any animal license or permit revoked, nor has been convicted of any violation of chapter 5 of this Code or any other state or local animal control law, within the past year.
- (6) The keeping and maintenance of the animal will not create a public or private nuisance or endanger the public health, safety or welfare.
- (7) The keeping of the animals at the proposed location complies with all local zoning regulations.

(b) The animal control program manager may investigate or require any further information or documentation which would assist in determining

whether the statements made by the applicant are correct and whether the permit should be issued.

(Ord. No. 888, § 8, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.18. Permit conditions.

(a) Any permit issued under this chapter shall be made expressly subject to the following conditions:

- (1) The permit holder shall provide veterinary care as needed and make every effort to keep all animals free of disease and parasites.
- (2) The permit holder shall keep the animals' living quarters clean and sanitary.
- (3) Any cages or structures housing animals shall be of a sufficient size to insure the health, safety and comfort of the animals and shall be placed at least three (3) feet from any lot line in residential areas.
- (4) Any other conditions which the division determines is reasonably necessary to protect the welfare of the animals kept or the public, health, safety or welfare.

(b) The fancier permit fee established under section 5-24 of this Code shall be paid by the applicant prior to issuance of the permit. Such fee shall be paid each time a permit is issued or renewed.

(Ord. No. 888, § 8, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.19. Inspections.

(a) The animal control program manager may require any permit holder to produce for inspection any required animal license, permit or certificate of vaccination.

(b) The animal control program manager may, with forty-eight (48) hours' notice to the permit holder, conduct such inspections of the premises upon which animals are kept under a fancier's permit, as necessary to insure compliance with the conditions of the permit.

(c) Such inspections of the premises shall be based on the direct observations of an animal control officer or upon a nonanonymous complainant.

(Ord. No. 888, § 8, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.20. Expiration and renewal of permits.

(a) Permits issued under this chapter shall expire one (1) year after issuance.

(b) Permits may be renewed on an annual basis upon filing of a new application containing updated information and payment of the annual fancier's permit fee established by section 5-24.

(c) No permit shall be renewed if the animal control program manager has received two (2) or more substantiated complaints concerning the location or manner of keeping of the animals or if the animal control program manager has determined that the findings set forth in section 5-27.17 cannot be made or that any of the grounds for revocation described by section 5-27.21 of this chapter exist.

(Ord. No. 888, § 8, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.21. Permit revocation.

Any permit issued under this chapter may be revoked by the animal control program manager if, after investigation, the animal control program manager finds reasonable cause to believe any of the following grounds exist:

- (1) The permittee has violated any animal control laws or regulations, any zoning or health and safety laws or any regulations relating to the keeping of animals.
- (2) The permittee has failed to keep and maintain in a clean and sanitary condition the premises on which the animals are kept.
- (3) The permittee has acted in an inhumane or cruel manner in the treatment of the animals.

(4) The permittee has failed to provide any animal with proper food, water, exercise, shelter or veterinary care.

(5) The permittee has failed to comply with all conditions of the permit.

(6) The permittee has failed to pay any fee or obtain any license imposed under chapter 5 of this Code.

(7) The permittee has provided false information in the permit application or has failed to cooperate in allowing inspection of the premises by the animal control program manager.

(Ord. No. 888, § 8, 11-8-94; Ord. No. 954, § 1, 9-26-00)

Sec. 5-27.22. Appeal of revocation of permit.

(a) Prior to revocation of a permit, the animal control program manager shall provide written notice to the permittee of its intention to revoke the permit. Such notice shall contain a statement of the grounds supporting permit revocation and shall advise the permittee that the permit will be revoked unless a hearing before the director of the environmental services agency or his designee is requested in writing to the animal control program manager within ten (10) days of the mailing of the notice. Any request for a hearing must specify the reasons the license should not be revoked and why the grounds cited in the notice do not exist.

(b) Upon receipt of a request for hearing, the animal control program manager shall schedule a hearing before the director of the environmental services agency or his designee and shall provide the permittee with reasonable written notice of the date, time and place of the hearing.

(c) After the hearing, the petitioner and the animal control program manager [may] be represented by counsel, present oral and written evidence and cross-examine witnesses. The strict rules of evidence need not apply. Any relevant evidence may be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. In this regard, written statements, records or reports by a state or county officer employee, or any